

U.S. Serial No. 10/633,432

Response to the Office action of January 25, 2006

**Remarks**

The applicants have carefully considered the Office action dated January 25, 2006. In the Office action, all of the claims were rejected as anticipated by Poisner et al. (US 6,938,153), or as unpatentable over Poisner in view of various other references. In view of the following remarks, reconsideration of the application is respectfully requested.

**Rejections under 35 USC § 102**

Independent claim 1 recites, a method comprising calculating a migration factor between a temporary memory location and a main memory location.

Poisner is directed to a method and system for using internal FIFO RAM to improve system boot times. The applicant respectfully submits that Poisner does not describe or suggest calculating a migration factor between a temporary memory location and a main memory location. The Office action cites Col. 4, lines 20-27 and FIGS. 1-2; however, neither the cited portions of the specification nor the figures describe calculating a migration factor between a temporary memory location and a main memory location. Accordingly, because Poisner lacks an element recited by claim 1, Poisner cannot anticipate claim 1 or any claims depending therefrom.

Likewise, independent claims 16 and 31 recite an article of manufacture and a system, respectively, that calculate a migration factor between a temporary memory location and a main memory location. For at least the forgoing reasons, Poisner cannot anticipate claims 16, 31, or any claims depending therefrom.

**Rejections under 35 USC § 103**

Poisner was, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person as the claimed invention. As evidence of such ownership, the applicant notes that an assignment of Poisner to *Intel*

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*Corporation* was recorded on December 17, 2001, a date which is prior to the August 1, 2003 filing date of the presentation application. An assignment of the present application to *Intel Corporation* was recorded on August 24, 2003. The claimed invention and Poisner were made by or on behalf of parties to a written contract that was in effect on or before the date the claimed invention was made. Therefore, in accordance with 35 USC § 103(c), Poisner is not available as prior art for 35 USC § 103. Accordingly, the applicant respectfully requests that the rejections under 35 USC § 103 be withdrawn.

### Conclusion

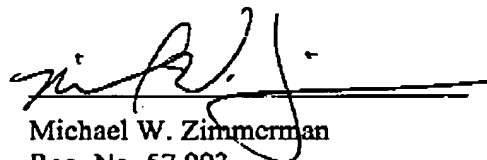
Reconsideration of the application and allowance thereof are respectfully requested.

If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

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